

# **BOARD OF PSYCHOLOGY**

## **Quarterly Board Meeting**

### **Open Session Minutes**

Department of Consumer Affairs  
1424 Howe Avenue, Conference Room F  
Sacramento, CA 95825

**Friday, August 17, 2001**

The open session meeting was called to order by the President, Martin Greenberg, Ph.D. at 10:00 a.m. A quorum was present and due notice had been sent to all interested parties.

**Present were:**

Martin Greenberg, Ph.D., President  
Emil Rodolfa, Ph.D., Vice President  
Pamela Harmell, Ph.D.  
Lisa Kalustian  
Marilyn Palarea  
Mary Ellen Early

**Others Present:**

Thomas O'Connor, Executive Officer  
Dan Buntjer, Legal Counsel  
Jeffrey Thomas, Assistant Executive Officer  
Kathi Burns, Enforcement Coordinator  
Kathy Bradbury, Administrative Services Coordinator  
Karen Johnson, Licensing and Examination Coordinator

**Agenda Item #1 – Committee Meetings**

The Credentials Committee, Examination Committee, Enforcement Committee, Legislation Committee, and Consumer Education Committee met to discuss and formulate recommendations to the Board.

**Agenda Item #2 - GREER, Andrew S., Ph.D. - Hearing on Petition for Termination of Probation**

Administrative Law Judge Leonard Scott presided. Deputy Attorney General Ismael Castro was present and represented the people. Dr. Andrew S. Greer was present and represented himself.

**Agenda Item #3 - MANN, Ronald, Ph.D. - Oral Argument Hearing on Non-Adoption of Proposed Decision**

Administrative Law Judge Leonard Scott presided. Deputy Attorney General Lynn Dombrowski was present and represented the people. Dr. Ronald Mann was present and represented by Robert Zaro.

The Board adjourned into closed session at 3:55 p.m.

**Saturday, August 18, 2001**

The open session meeting was called to order by the President, Martin Greenberg, Ph.D. at 9:00 a.m. A quorum was present and due notice had been sent to all interested parties.

**Present were:**

Martin Greenberg, Ph.D., President  
Emil Rodolfa, Ph.D., Vice President  
Pamela Harmell, Ph.D.  
Lisa Kalustian  
Marilyn Palarea  
Mary Ellen Early

**Others Present:**

Thomas O'Connor, Executive Officer  
Dan Buntjer, Legal Counsel  
Jeffrey Thomas, Assistant Executive Officer  
Kathi Burns, Enforcement Coordinator  
Kathy Bradbury, Administrative Services Coordinator  
Karen Johnson, Interim Licensing and Examination Coordinator

**Agenda Item #8 - Approval of May 4 & 5, 2001 Open Session Minutes**

M(Rodolfa)/S(Harmell)/C to approve the May 4 & 5, 2001 open session minutes with minor corrections.

Vote: 6 - 0

## **Agenda Item #9 - President's Report - Dr. Greenberg**

### **a. Correspondence**

#### **1. Letter from Alistair Stunden, Ph.D. Re: Medication Statement**

Dr. Greenberg explained that in a letter, Dr. Stunden requested that the Board add language to the current Medication Statement, making clear that the statement does apply to psychologists performing psychological evaluations.

The Board felt that it was best to refrain from having the statement address particular aspects of the practice of psychology. Rather, leave it broad.

#### **2. Letter from Sandra Stuart-Siddal, RN**

Ms. Stuart-Siddal sent a letter requesting the BOP opine on MFT's scope of practice. In a letter, Mr. O'Connor had referred Ms. Stuart-Siddal to the Board of Behavioral Science (BBS) since MFT's are under the jurisdiction of BBS. The Board supports Mr. O'Connor's action.

#### **3. Memos from ASPPB and National Register Re: Mobility**

Memos were presented as information items regarding National Register and ASPPB reciprocity issues.

#### **4. Memo from Samuel Feldman, Ph.D. re: APA's PEP Examination**

Dr. Feldman's correspondence was presented as information only. Dr. Feldman, from the Prescribing Psychologist Register, is requesting that the APA accept the Prescribing Psychologist's Register certificate as continuing education instead of breaking it down into individual courses.

Dr. Greenberg urges the Board to be mindful of allowing individual organizations to impose undue influence on approved continuing education coursework.

### **b. Consideration of Continuation of Oral Examination**

#### **1. Reports and Findings of DCA/OER**

Dr. Greenberg summarized the recent history of the Board's review of the oral examination, which most recently included two public forums held to

receive public comment on the idea of replacing the oral examination with an examination that is valid and legally defensible. Additionally, Dr. Greenberg reported that Dr. Norman Hertz of the Office of Examination Resources concluded, through analyses and study, that the oral examination is not psychometrically sound. This conclusion is detailed in Dr. Hertz' memo of March 6, 2001 and in his letter of July 3, 2001(attached).

Mr. Buntjer opined that since the Board's oral examination is not legally defensible, the Board may put itself in a legally precarious position should it choose to continue to administer the examination. This information, along with public discussion, has led the Board to consider eliminating the oral examination as an examination required for licensure. Instead, the Board feels their task of ensuring minimal competency can be served by enhancing the supervision regulations and taking and passing the California Jurisprudence and Professional Ethics examination.(CJPEE).

Dr. Charles Faltz representing the California Psychological Association expressed several concerns regarding the elimination of the oral examination. He stated that the ASPPB is looking at developing an oral examination based upon, from what he understood, to be California's exam. He talked about the Board's responsibility to give an examination for minimal competency. He questioned the appropriateness of using the CJPEE. He asked that the Board consider continuing to develop the oral examination to be what it needs to be according to the law.

Dr. Greenberg explained that he felt the Board has gathered relevant data, which has led to a conclusion. The data itself has moved the Board to a position that points to elimination of the examination. There has been no pressure to eliminate the exam. He also explained that he is a part of the ASPPB committee that is developing an oral exam, and that they are considering not going forward with continued development. Finally, Dr. Greenberg concluded from information provided, the development of the oral examination has gone as far as it can and can no longer do what was intended and that legal counsel's advice is extremely compelling.

M(Rodolfa)/S(Early)/C to, through emergency regulations, repeal the Oral Examination and in its place give the California Jurisprudence and Professional Ethics Examination.

Vote: 6 - 0

Ms. Kalustian requested staff to prepare an information memo to be placed on the Board's website as soon as possible.

## **2. Legal Concerns**

This item was discussed under Agenda Item # 9 b 1.

### **c. Summary of Workshop on Supervised Professional Experience**

Dr. Greenberg stated that a workshop was held with several psychologists (including a representative from CPA) who regularly supervise individuals gaining hours toward licensure. This workshop was designed to examine supervision processes and procedures.

Dr. Greenberg stated the three main recommendations resulting from the workshop were:

1) Develop a contract or letter of agreement detailing legal, ethical and professional responsibilities of both the supervisor and the supervisee.

2) Require the use of an evaluative document for supervisors to use that describes actual areas of practice that were supervised and details performance in those activities.

3) Require formal coursework in supervision.

The Board instructed staff to bring to the November Board meeting more information regarding implementation of the supervision contract, letter of agreement, and evaluative document.

M(Harmell)/S(Kalustian)/C to direct staff to bring to the November Board meeting, draft regulation language for implementation of the requirement that supervisors take coursework in supervision.

Vote: 6 - 0

### **d. Other Post-Agenda Items for Discussion**

#### **1. Letter to Barbara Wasik, Ph.D., Chair of the Board of Educational Affairs-APA**

Presented was a draft of the letter to be sent to Dr. Wasik regarding the Commission on Education and Training Leading to Licensures recommendation that licensure should occur at the time the degree is awarded. This letter reflects Board concerns about such a recommendation.

## **Agenda Item #10 - Executive Officer's Report - Mr. O'Connor**

### **a. Budget Update-BCP**

Mr. O'Connor stated a Budget Change Proposal (BCP) was submitted to move the complaint intake and license verification functions from the Medical Board of

California (MBC) to the Board of Psychology. This BCP includes a request for two new full-time positions for the Board of Psychology. However, 1.3 of these positions will be merely a transfer of the authority from the MBC.

### **b. Nomination of Dr. Greenberg for Member-At-Large of ASPPB Board of Directors**

Mr. O'Connor reported that Dr. Greenberg had been nominated for a Member-At-Large of ASPPB Board of Directors. This would be a first for the California Board of Psychology if Dr. Greenberg were to be elected as a member of the ASPPB. Also, Mr. O'Connor stated that the state of Oregon, among others, is supporting his candidacy.

### **c. ASPPB Annual Meeting**

This meeting is scheduled for October 10 – 14, 2001 in Quebec City, Quebec, Canada. Mr. O'Connor and Dr. Greenberg will be in attendance.

### **d. Ethics Orientation for Exempt Employees and Board Members**

A video was sent to Board members to review and sign documentation indicating that the video was reviewed. The Board members also have the option of complying with this requirement by completing the online training program that is available. The final date to complete this orientation is December 1, 2001.

### **e. Other Post-Agenda Items for Discussion**

None.

## **Agenda Item #11 - Legal Counsel's Report- Mr. Buntjer**

### **a. Legal Issues: Oral Examination**

This report was given earlier under 9(b)(2).

### **b. Other Post-Agenda Items for Discussion**

None.

**Agenda Item #12 - Regulation Hearing-Continuing Education Enhancement  
(10:00 am)**

Dr. Greenberg conducted the regulation hearing on the changes regarding continuing education enhancements.

M/Rodolfa)/S(Early)/C to adopt the proposed regulation changes.

Vote: 6-0

**Agenda Item #13 - Regulation Update- Mr. Thomas**

**a. Regulatory Actions**

**1. OAL Approval of Examination/Examination Fee/Continuing Education Regulations**

Mr. Thomas reported that these regulations were approved by the Office of Administrative Law on April 5, 2001. The regulations will become effective July 1, 2001.

**2. OAL Approval of Examination Computerization Regulations**

Mr. Thomas reported that these regulations were approved by the Office of Administrative Law on July 11, 2001. The regulations will become effective September 1, 2001.

**3. OAL Approval of Continuing Education Provider Regulations**

Mr. Thomas reported that these regulations were approved by the Office of Administrative Law on July 6, 2001. The regulations will become effective January 1, 2002.

**4. Repeal of Equivalent, Comparable and Foreign Degree Regulations**

Mr. Thomas reported that the passage of AB 400 removed the authority to accept equivalent, comparable and foreign degrees, therefore, the Board's authority to enforce the regulation. To formally remove these regulations, (a non-substantive change), a "Section 100" was prepared and submitted to the Office of Administrative Law.

**b. Other Post-Agenda Items for Discussion**

None.

#### **Agenda Item #14 - Continuing Education Update- Mr. Thomas**

**a. Continuing Education Statistics**

Mr. Thomas reported that there was a 10% noncompliance rate as of April 2001.

**b. Other Post-Agenda Items for Discussion**

None.

#### **Agenda Item #15 - Credentials Committee Report- Dr. Harmell**

**a. Leslie Anne Ross – Plan for Alternative Supervision**

The Board is requesting Dr. Ross to provide additional information regarding her request for alternative supervision.

**b. Other Post-Agenda Items for Discussion**

**1. Diana Gleason, PsyD: Request for Alternative Supervision**

M(Credentials Committee)/C to approve Dr. Gleason's request for alternative supervision.

Vote: 6-0

**2. David Davidson-Methot: Request for Alternative Supervision**

The Credentials Committee determined that the duties described in Dr. Davidson-Methot's plan for alternative supervision were administrative, not psychological in nature.

M(Credentials Committee)/C to deny Dr. Davidson-Methot's request for alternative supervision.

Vote: 6-0

#### **Agenda Item #16 - Examination Committee Report- Dr. Rodolfa**

**a. Implementation of the Computerization of the Administration of the EPPP**

Mr. Thomas is overseeing the details of this transition with PES. The first electronic files are to be sent to PES on August 24, 2001. This means that the first approved candidates will be receiving information to take the computer EPPP sometime after September 1, 2001.



**b. Implementation of the Computerization of the Jurisprudence and Professional Ethics Examination**

Mr. Thomas and Ms. Johnson reported that they are working closely with the Office of Examination Resources to complete this transition. They have reviewed the examination for accuracy and are closely monitoring the progress. Expected implementation is November 15, 2001.

**c. April 2001 EPPP Statistics**

Dr. Rodolfa reported the following examination results:

61% of the candidates passed the April 2001 exam. 39% of the candidates failed the exam. 396 California candidates took the EPPP in April 2001.

**d. June 2001 Oral Examination Statistics**

Dr. Rodolfa reported the following examination results:

62% of the candidates passed the exam in June 2001. 38% of the candidates failed the exam. 492 candidates took the June 2001 oral exam.

**e. June 2001 Jurisprudence Statistics**

Dr. Rodolfa reported the following examination results:

80% of the candidates passed the June 2001 jurisprudence exam. 20% of the candidates failed the exam. 30 candidates took the June 2001 jurisprudence exam.

**f. Other Post-Agenda Items for Discussion**

None.

**Agenda Item #17 - Enforcement Committee Report- Ms. McMillan**

**a. Enforcement Statistics**

Ms. McMillan was unable to attend the meeting. Ms. Burns reported that the enforcement statistics were included in the meeting packet. The statistics for fiscal year 2000/2001 indicate little change from last year's statistics.

**b. Expert Case Reviewers**

Several applications from potential experts were reviewed, however, no final decisions were made at this point. The applications will be brought back for further consideration at the November 2001 board meeting.

**c. Other Post-Agenda Items for Discussion**

None.

**Agenda Item #18 - Legislation Committee Report- Ms. Early**

**a. SB 349 (Senate B&P Committee)**

Ms. Early reported that SB 349, if passed, would require accrued renewal fees be paid for each delinquent renewal cycle.

**b. AB 1616 (Wright)**

Ms. Early reported that AB 1616 would establish a different time frame for reporting sexual misconduct complaints – an increase from 7 years to 10 years. A letter of support has been sent encouraging the passage of this bill.

**c. AB 1422 (Thomson)**

Ms. Early reported that AB 1422 would create the California Mental Health Advisory Commission. She also briefly outlined Assemblywoman Thomson's AB 1423 and AB 1424 for the Board's information.

**d. Foreign Degree Language Updated**

Mr. O'Connor informed the Board that language would be added to SB 724 to provide the board with the authority to consider applicants for licensure holding degrees from foreign schools.

**e. Other Post-Agenda Items for Discussion**

None.

**Agenda Item #19 - Consumer Education Committee Report- Mr. O'Connor**

**a. Consumer Brochure**

Mr. O'Connor reported that the Consumer Brochure has been widely praised. This brochure may be purchased in bulk through the Department of General

Services. Mr. O'Connor also reported that staff would do a Budget Change Proposal next fiscal year to print a Spanish version of the Consumer Brochure.

**b. Website Statistics**

The Board reviewed the statistical data regarding the Board's active website. In July 2001, the Board received over 73,000 total website hits. Of note were 13,000 "license lookup" hits.

**c. BOP Update #9**

Mr. O'Connor reported that the BOP Update #9 would hopefully be prepared for distribution in late 2001 or early 2002.

**d. Other Post-Agenda Items for Discussion**

None.

**Agenda Item #20 - Public Comment**

No additional public comments were made.

The Open session meeting adjourned at 11:30 a.m.

M(Rodolfa)/S(Harmell)/C to adjourn the meeting.

Vote: 6 – 0

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Martin R. Greenberg, Ph.D.  
President

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Date